

EXHIBIT 5

From: Peters, Marc D. <MDPeters@mofo.com>
Sent: Wednesday, March 28, 2012 11:30 PM
To: Gene Paige; Muino, Daniel P.; Matthias Kamber; Gary M. Padilla
Cc: Oracle-Google; Oracle MoFo Service List; DALVIK-KVN-ATTY; dalvik-ks@kslaw.com
Subject: RE: Oracle/Google - Trial exhibit list
Attachments: 2012-03-28 Joint Exhibit List & Oracle Additional Exhibits.XLS

Gene,

Here's an updated exhibit list, that indicates what we've dropped, and should include Google's edits to descriptions, de-duplication, etc. A separate sheet lists the exhibits Oracle would like to add.

My guess is that there are some duplicates still in the list to be resolved, which should cut things down further. And we could delete the 447- and 476-related exhibits on the joint list at the end, but wanted to check with you first before doing so.

Best regards,
Marc

From: Gene Paige [mailto:EPaige@kvn.com]
Sent: Sunday, March 25, 2012 6:56 PM
To: Peters, Marc D.; Muino, Daniel P.; Matthias Kamber; Gary M. Padilla
Cc: Oracle-Google; Oracle MoFo Service List; DALVIK-KVN-ATTY; dalvik-ks@kslaw.com
Subject: RE: Oracle/Google - Trial exhibit list

Marc:

Thank you for your email. If Oracle has not yet withdrawn those three patents, then Google will not be removing documents relating to those patents from the exhibit list.

Regards,
Gene

From: Peters, Marc D. [mailto:MDPeters@mofo.com]
Sent: Saturday, March 24, 2012 4:22 PM
To: Gene Paige; Muino, Daniel P.; Matthias Kamber; Gary M. Padilla
Cc: Oracle-Google; Oracle MoFo Service List; DALVIK-KVN-ATTY; dalvik-ks@kslaw.com
Subject: RE: Oracle/Google - Trial exhibit list

Dear Gene,

Oracle hasn't yet, but we agree that both sides' exhibits directed only to the 205, 702, and 720 patents should come off the exhibit list for now. If the PTO does take some action in those reexams between now and trial, we'll deal with that then. Shall we proceed that way?

Best regards,
Marc

From: Gene Paige [<mailto:EPaige@kvn.com>]
Sent: Friday, March 23, 2012 11:53 AM
To: Muino, Daniel P.; Matthias Kamber; Gary M. Padilla
Cc: Oracle-Google; Oracle MoFo Service List; DALVIK-KVN-ATTY; dalvik-ks@kslaw.com
Subject: RE: Oracle/Google - Trial exhibit list

Dan:

Thank you for your email.

Can you please confirm that, in light of the trial date of April 16th, Oracle has now dropped the 205, 702 and 720 patents from the case with prejudice? Your confirmation would assist in our ability to reduce the exhibit list as you suggest below.

Regards,
Gene

From: Muino, Daniel P. [<mailto:DMuino@mofo.com>]
Sent: Thursday, March 22, 2012 3:47 PM
To: Gene Paige; Matthias Kamber; Gary M. Padilla
Cc: Oracle-Google; Oracle MoFo Service List
Subject: RE: Oracle/Google - Trial exhibit list

Gene,

We're currently taking a hard look at the exhibit list to find exhibits that can be dropped, particularly given changes to the patent lineup and the Court's desire to streamline the case. Hopefully you're doing the same. We'll prepare an updated exhibit list that will incorporate the corrections and de-duplications flagged by both parties, a few inadvertently omitted exhibits that Oracle would like to include, and an identification of exhibits that we think can be deleted. We'll send it by Wednesday. If Google has any exhibits it would like to add or delete, please let us know. Thanks.

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From: Gene Paige [<mailto:EPaige@kvn.com>]
Sent: Thursday, March 22, 2012 9:37 AM
To: Teraguchi, Yuka; Matthias Kamber; Gary M. Padilla
Cc: Muino, Daniel P.; Peters, Marc D.; Beko Richardson (brichardson@BSFLLP.com)
Subject: RE: Oracle/Google - Trial exhibit list

Dear Yuka:

With trial now set for April 16, I write to follow up on my message below. We passed along Google's corrections to the exhibit list on December 19, but I do not believe that we have ever seen a corrected copy including these Google edits. Can you provide a copy at your earliest convenience please?

Regards,
Gene

From: Gene Paige
Sent: Monday, December 19, 2011 7:22 PM
To: Teraguchi, Yuka; Matthias Kamber; Gary M. Padilla
Cc: Muino, Daniel P.; Peters, Marc D.; Beko Richardson (brichardson@BSFLLP.com)
Subject: RE: Oracle/Google - Trial exhibit list

Dear Yuka:

Thank you for your email of Friday evening, and for the attached updated exhibit list.

We have made similar corrections in the Google portion of the exhibit list, which are similarly shown in red. There is also a second sheet showing changes made for your convenience. Please contact me with any questions.

On a separate but related note, I have not as yet seen the list of additional exhibits referenced in the email below. Please send those at your earliest convenience.

Regards,
Gene

From: Teraguchi, Yuka [<mailto:YTeraguchi@mofo.com>]
Sent: Friday, December 16, 2011 6:16 PM
To: Gene Paige; Matthias Kamber; Gary M. Padilla
Cc: Muino, Daniel P.; Peters, Marc D.; Beko Richardson (brichardson@BSFLLP.com)
Subject: RE: Oracle/Google - Trial exhibit list

Gene, Matthias, and Gary:

Please find attached updated exhibit list. We used the same blue/yellow highlights to indicate the duplicates, copied over Google's notes to column K, and included Oracle's notes in column L. We would appreciate it if you could make your changes to this copy of the exhibit list.

We will send you a list of additional exhibits later in a separate email.

Please let me know if you have any questions. Thank you.

Best regards,

Yuka

From: Teraguchi, Yuka
Sent: Thursday, December 15, 2011 11:07 AM
To: EPaige@kvn.com; MKamber@kvn.com; Gary M. Padilla
Cc: Muino, Daniel P.; Peters, Marc D.; Beko Richardson (brichardson@BSFLLP.com)
Subject: Oracle/Google - Trial exhibit list

Gene, Matthias, and Gary,

Please find attached updated exhibit list. We have corrected some of the descriptions and Bates numbers (shown in red) and removed duplicates from Oracle's exhibit list.

I understand that some of you will be at MoFo's Palo Alto office this afternoon to meet and confer about the patent marking procedure. **We would like to meet and confer about the exhibit list afterwards, if possible.**

Gary has highlighted the duplicates on the exhibit list in blue and yellow. (Thanks, Gary.)

- **BLUE** indicates duplicates between Oracle's and Google's exhibit lists, or duplicates on one party's list to which the other party has the same objections. I understand that Google has already removed the blue-highlighted duplicates within Google's list. Oracle has removed the blue-highlighted duplicates within Oracle's list.
- **YELLOW** indicates duplicates on one party's list to which the other party has different objections. For duplicates on Google's list to which Oracle had different objections, Oracle has consolidated the objections so that Google can keep the first occurrence of the duplicate (marked "objections checked") and remove other occurrences (marked "objections changed to match XXX; remove?").

We can ignore all other highlights for our meet and confer. Thank you.

Yuka

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